

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SIDNEY PATRICK MARTIN,)	
Plaintiff,)	Civil Action No. 7:19-cv-00218
)	
v.)	
)	By: Michael F. Urbanski
RANDALL MATHENA, <i>et al.</i>,)	Chief United States District Judge
Defendants.)	

ORDER

Plaintiff Sidney Patrick Martin, an inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983, alleging several constitutional violations stemming from his long-term confinement in segregation while in the custody of the Virginia Department of Corrections. The matter was referred to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact, conclusions of law, and a recommended disposition of the issue of whether Martin exhausted available administrative remedies before filing suit, as required by 42 U.S.C. § 1997e(a). The magistrate judge filed a report and recommendation on November 19, 2021, recommending that the court conclude that Martin exhausted his available administrative remedies and allow his claims to proceed. The magistrate judge further recommended that the court direct the defendants to either file a motion for summary judgment on the merits of Martin's claims within thirty days, or file a notice stating that no motion will be filed. The magistrate judge also recommended that an order be entered providing the parties with an opportunity to participate in a settlement conference.

No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. Accordingly, it is hereby **ORDERED** as follows:

1. The report and recommendation, ECF No. 119, is **ADOPTED in its entirety**;
2. The court concludes that Martin exhausted his available administrative remedies as required by 42 U.S.C. § 1997e(a);
3. Within thirty days of the entry of this order, the defendants shall file a motion for summary judgment on the merits of Martin's claims or a notice stating that no motion for summary judgment will be filed;
4. By separate order, the court will refer the case to the magistrate judge for the purposes of mediation; and
5. The Clerk shall send a copy of this order to the parties.

It is so **ORDERED**.

Entered: December 8, 2021



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge